



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,685	03/04/2002	Alan H. Anderson	7707.0021-00	2825

22852 7590 05/01/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Notice of Allowability

Application No.

10/086,685

Applicant(s)

ANDERSON ET AL.

Examiner

Justin R. Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 April 2006.
2. ☒ The allowed claim(s) is/are 1-5, 7, 10-22, 24, 27-33, 48, 49, 51-56 and 58-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claims 34-47 and 57, non-elected without traverse, are cancelled.

Allowable Subject Matter

2. Claims 1-5, 7, 10-22, 24, 27-33, 48, 49, 51-56, and 58-60 (renumbered 1-38) are allowed. The following is an examiner's statement of reasons for allowance:

As best depicted in Figure 1, Benson, which is seen to constitute the closest prior art of record, is directed to a filament winding apparatus comprising (i) a spool section or cabinet 19 comprising at least one fiber bundle spool 18 and a winding head 9 comprising a spreading assembly 35, (ii) a transport or carriage 3 designed to longitudinally move said fiber spool section, and (iii) a controller or computerized system for applying said fiber bundle (Column 3, Lines 55-60). The apparatus of Benson includes a plurality of spreader bars (24-26) designed to spread and flatten the fiber bundle. It is further noted that while the apparatus of Benson is described as a filament placement apparatus", said apparatus is clearly capable of carrying out a filament

Art Unit: 1733

winding technique and thus can be viewed as a "filament winding apparatus" (as detailed in the previous communications). However, the claims as currently drafted require "at least two winding eyes are oriented such that each fiber bundle exits a winding eye in substantially the same plane as each other fiber bundle". While the apparatus of Benson includes a comb 23 that defines a plurality of openings, each of said openings is not seen to constitute a winding eye. In particular, Nakagawa is directed to a similar filament winding head in which the combination of a comb-like structure and a plurality of slit bars define an "eye"- thus, one of ordinary skill in the art at the time of the invention would not view the openings of Benson to define "at least two winding eyes". One of ordinary skill in the art at the time of the invention would not have found it obvious to include the claimed eye structure in Benson nor would one of ordinary skill in the art at the time of the invention have found it obvious to modify the existing comb-like structure of Benson to form the claimed eye structure. It is emphasized that the comb-like structure of Benson is art-recognized as not defining the claimed eye structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

April 17, 2006